

**MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION**

In the Matter of:)	
)	
MAGRUDER LIMESTONE CO., INC.)	Proceeding Under
Osage Beach Quarry, Miller County, Mo.,)	The Land Reclamation Act,
<i>Applicant,</i>)	Sections 444.760 – 444.789, RSMo.
)	
LAKE OZARK – OSAGE BEACH)	Expansion of Permit # 0086.
JOINT SEWER BOARD, et al)	
<i>Petitioners,</i>)	
)	
v.)	
)	
LARRY P. COEN,)	
Staff Director,)	
Land Reclamation Program,)	
Division of Environmental Quality,)	
<i>Respondent,</i>)	

FINAL ORDER

This case was set for hearing on:

- (1) March 24, 2008 at the City Hall, Osage Beach, Missouri;
- (2) May 23, 2008 at the MDNR Elm Street Building, Jefferson City, Missouri;
- (3) April 28, 29 & 30, 2008 at the Lewis and Clark Building, Jefferson City, Missouri; and
- (4) June 4 & 6, 2008 at the MDNR Elm Street Building, Jefferson City, Missouri.

Due notice was given to all parties. Hearings were held on the listed dates. Petitioners appeared by Counsel. Respondent appeared in person and by Counsel. Applicant appeared by Counsel. A written transcript of each hearing was prepared.

Hearing Officer, W. B. Tichenor made a recommendation on July 24, 2008, that the Application for Expansion of Permit # 0086, Miller County, Missouri should be approved, with Special Conditions.

IT IS HEREBY ORDERED THAT:

- 1) The hearing officer's Recommended Order is adopted and approved in full.
- 2) The Findings of Fact, Conclusions of Law and Decision made by the hearing officer are hereby fully incorporated by reference herein.
- 3) The captioned administrative appeal is decided against Petitioners and in favor of the Respondent and Applicant.
- 4) The Secretary of the Commission is to provide copies of this Final Order to the parties.

Entered this 24th day of July, 2008.

(Original Signed by Jim DiPardo)
Jim DiPardo, Chairperson

(Original Signed by Gregory Haddock)
Dr. Gregory Haddock, Member

(Original Signed by Nick Matherly)
Nick Matherly, Member

(Original Signed by Col. John Riffle)
Col. John Riffle, Member

(Original Signed by Bob Ziehmer)
Bob Ziehmer, Member

(Original Signed by Ed Galbraith)
Edward Galbraith, Member

(Original Signed by Mimi Garstang)
Mimi Garstang, Member

Copies to be sent immediately by the Land Reclamation Commission to:

Brian E. McGovern, McCARTHY, LEONARD, KAEMMERER, OWEN, McGOVERN, STRILER & MENGHINI, L.C. 400 South Woods Mill Rd., Ste 250, Chesterfield, MO 63107, Attorney for Individual Petitioners.

Steven E. Mauer & John T. Polhemus, BRYAN CAVE, 3500 One Kansas City Place, 1200 Main Street, Kansas City, MO 64105, Attorneys for Joint Sewer Board Petitioner.

Timothy P. Duggan, Assistant Attorney General, P. O. Box 899, Jefferson City, MO 65102-0899, Attorney for Respondent.

Richard S. Brownlee III, & Adam Troutwine, HENDREN ANDRAE, LLC, 221 Bolivar Street, P.O. Box 1069, Jefferson City, MO 65102, Attorneys for Applicant

W. B. Tichenor, Hearing Officer, 1212 Torrey Pines Dr., Columbia, MO 65203-4824